

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/551,854 Confirmation No. 6166  
Applicant (s) : Lysenko, Zenon, et al.  
Filed : September 30, 2005  
TC/A.U. : 1621  
Examiner : CUTLIFF, Yate Kai Rene  
Title : ALDEHYDE AND ALCOHOL COMPOSITIONS DERIVED  
FROM SEED OILS  
Docket No. : 63104A  
Customer No. : 00109

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE E**  
**REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT**

In the above-identified application, Applicants stand in receipt of a “Notice of Non-Compliant Amendment,” dated January 30, 2009. This reply corrects the matter of non-compliance raised in the Notice. This reply also includes updated information regarding a reference cited in Applicants’ Information Disclosure Statement filed April 30, 2008.

**REMARKS/ARGUMENTS**

**A. Concerning the Notice of Non-Compliant Amendment**

On December 19, 2008, Applicants filed “Response D” with the Patent Office including a listing of amended claims (Claims 18-35). On January 30, 2009, the Office issued a “Notice of Non-Compliant Amendment” for failure to list all claims in the application. In response, Applicants submit concurrently herewith “Response D (Corrected)” including a listing of all claims in the application. Please note the following: Claims 1 to 17 are cancelled. Claims 18 to 35 are pending in the application. Claims 25, 26, 34, and 35 are pending as “currently amended.”

We note that the Office’s “Patent Application Fee Determination Record” cites a total of 19 claims pending in the application, for which 24 claims were the highest number paid up. Both numbers may be erroneous. It appears that the correct total number of pending claims is 18 per the listing provided. Moreover, the filing papers of the application provided for payment of 34 total claims. We note the following claim history:

371 Application filed 9/30/2005 → Claims 1-34  
Preliminary Amendment of 9/30/2005 → Claims 1-34 (as amended)  
Response B - 11/26/2007 → Cancelled Claims 1-17, Pending Claims 18-34  
Response C - 4/30/2008 → Cancelled Claims 1-17, Pending Claims 18-34  
and added new Claim 35  
Response D - 12/19/2008 – Cancelled Claims 1-17, Pending Claims 18-35

In view of the above, Applicants respectfully request the Office to withdraw the non-compliant objection and correct any error, if necessary, in the “Patent Application Fee Determination Record.”

B. Updated Information re Disclosure Statement

In Applicants’ Information Disclosure Statement filed on April 30, 2008, reference was made to unpublished International Patent Application PCT/US2007/086222, filed December 3, 2007. A copy of the unpublished application was provided to the office. We now update the Office with information that the cited PCT application published on June 19, 2008, as WO 2008/073729 (*copy enclosed herewith*). The WO publication is listed on enclosed Form PTO SB/08/a.

Since the international patent publication is an update of information previously supplied to the Office, the undersigned does not believe that a fee is required. If the undersigned is incorrect, the Examiner is authorized to charge Deposit Account 04-1512 the required fee.

C. Conclusions

Applicants apologize to the Office for the inconvenience caused by the non-compliant amendment. We believe that all matters related to non-compliance have now been corrected. It is submitted that the claims meet the requirements for patentability. A Notice of Allowance is solicited at the Examiner’s earliest convenience.

Respectfully submitted,

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Date: February 10, 2009  
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Encl.  
Corrected Response D  
Form PTO/SB/08a  
Copy of WO 2008/073729  
MFZ/caa